

ENTERED

February 11, 2021

Nathan Ochsner, Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

ROBERT VANDERPLOEG,)	
)	
Plaintiff,)	
)	CIVIL ACTION
vs.)	
)	Case No. 4:20-CV-02474
NASA POINT, L.P.,)	
)	
Defendant.)	

DEFAULT JUDGMENT AGAINST DEFENDANT

THIS CAUSE is before the Court upon Plaintiff's Verified Motion for Final Default Judgment against Defendant, NASA POINT, L.P. [D.E. 11] filed October 13, 2020. Plaintiff filed this action on July 15, 2020. On July 23, 2020, Plaintiff served the Complaint on Defendant, NASA POINT, L.P. [D.E. 6]. Defendant has failed to enter an appearance, request an extension of time or file a responsive pleading.

Therefore, it is hereby

ORDERED and ADJUDGED as follows:

Plaintiff's Verified Motion for Final Default Judgment against Defendant, NASA POINT, L.P., is **GRANTED**. Judgment is hereby entered in favor of Plaintiff, ROBERT VANDERPLOEG against Defendant. The Court hereby ENJOINS Defendant, NASA POINT, L.P., from continuing its discriminatory practices, and ORDERS Defendant, NASA POINT, L.P., to alter the property at 1051 E. NASA Pkwy., Houston, TX 77058, Houston County Property Appraiser's parcel identification number 0992480000002 ("the Property") to comply with 42 U.S.C. § 12181, *et seq.* as follows:

ACCESSIBLE ELEMENTS

- a. Defendant, NASA POINT, L.P., shall provide an accessible route from the public sidewalk to the accessible entrances near Baskin-Robbins, in compliance with Section 206.2.1 of the 2010 ADAAG standards.
- b. Defendant, NASA POINT, L.P., shall provide an accessible route compliant with Section 403 of the 2010 ADAAG Standards leading from the parking lot to the building where Baskin-Robbins is located.
- c. Defendant, NASA POINT, L.P., shall provide at least one (1) accessible parking space servicing the building where Baskin-Robbins is located. This accessible parking space shall comply with section 502 and 208.3.1 of the 2010 ADAAG Standards.
- d. Defendant, NASA POINT, L.P., shall provide an accessible route connecting multiple buildings on the Property in compliance with Section 206.2.2 of the 2010 ADAAG standards.
- e. Defendant, NASA POINT, L.P., shall remove the ramp from the access aisle to the accessible parking spaces near East Star Chinese Buffet in compliance with Section 502.4 of the 2010 ADAAG standards.
- f. Defendant, NASA POINT, L.P., shall remove the ramp from the access aisle to the accessible parking spaces near East Star Chinese Buffet in compliance with Section 502.4 of the 2010 ADAAG standards.
- g. Defendant, NASA POINT, L.P., shall modify the accessible ramp near East Star Chinese Buffet so it provides finished edges or edge protection and/or is otherwise in compliance with Section 405.9 of the 2010 ADAAG standards.

- h. Defendant, NASA POINT, L.P., shall provide an accessible route from the public sidewalk leading to the accessible entrances in compliance with Section 206.2.1 of the 2010 ADAAG standards.
- i. Defendant, NASA POINT, L.P., shall modify the accessible parking spaces which are missing proper identification signs in violation of Section 502.6 of the 2010 ADAAG standards.
- j. Defendant, NASA POINT, L.P., shall provide a total of five (5) accessible parking spaces on the Property. Each accessible parking space shall comply with section 502 and 208.3.1 of the 2010 ADAAG Standards.
- k. Defendant, NASA POINT, L.P., shall provide one (1) van accessible parking space in compliance with Section 208.2.4 of the 2010 ADAAG Standards. This one van accessible parking space shall comprise one of the five accessible parking spaces required in (j) above.

All references to “ADAAG standards” shall refer to ADA Accessibility Guidelines for Buildings and Facilities (ADAAG) as amended through September 2010.

The above-referenced alterations and modifications shall be completed in all respects by August 16, 2021. If the alterations and modifications are not completed in all respects by August 16, 2021, then Defendant, NASA POINT, L.P., shall be subject to reasonable sanctions to compel compliance with this Judgment. Said sanctions may include but not be limited to per diem fines and/or the closing of the premises until said modifications are completed.

Accordingly, it is hereby **ORDERED AND ADJUDGED** that Plaintiff's Verified Motion for Final Default Judgment against Defendant, NASA POINT, L.P. [D.E. __] is **GRANTED**.

The Court retains jurisdiction of the above-styled action to permit Plaintiff to seek and determine the amount of attorney's fees and costs due to Plaintiff and to assure Defendant, NASA POINT, L.P., subsequent compliance with this Judgment and the Americans with Disabilities Act.

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DONE AND SIGNED in Chambers, at Houston, Texas, this ____ day of _____, 2020.



ALFRED H. BENNETT
UNITED STATES DISTRICT JUDGE

Copies furnished to:
Counsel and parties of record